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Counsel for Plaintiff
VLSI TECHNOLOGY LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VLSI TECHNOLOGY LLC,

Plaintiff,

v.

INTEL CORP.,

Defendant.

Case No. 5:17-CV-05671-BLF

**DECLARATION OF MICHAEL D.
HARBOUR IN SUPPORT OF VLSI
TECHNOLOGY LLC'S OPPOSITION TO
ADMINISTRATIVE MOTION FOR
RELIEF FROM PROTECTIVE ORDER**

1 I, Michael Harbour, declare as follows:

2 1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for VLSI
3 Technology LLC (“VLSI”) in the above-captioned matter. I am a member in good standing of the
4 State Bar of California and have been admitted to practice before this Court. I have personal
5 knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify
6 competently to such facts under oath.

7 2. I submit this declaration in support of VLSI’s Opposition to Intel Corp.’s (“Intel”) Administrative Motion For Relief From Protective Order.

9 3. On July 28, 2020, counsel at Intel sent an email to my firm requesting permission
10 from VLSI to include information that VLSI had produced under a Protective Order in this case
11 (and others) in Intel and Apple’s upcoming amended antitrust complaint. The information Intel
12 requested to disclose related to VLSI’s damages analysis and the financial terms by which VLSI
13 had acquired the patents it had asserted against Intel. VLSI declined Intel’s request on August 1,
14 2020. A true and correct copy of this email exchange is attached as Exhibit A.

15 4. On January 14, 2021, counsel for Intel sent an email to my firm asking whether
16 VLSI would agree to a modification of the stipulated protective orders in multiple cases (including
17 the present matter) so that Intel could use protected information produced in those cases in the
18 antitrust case. VLSI responded by asking Intel to specifically identify (1) the provisions of the
19 Protective Order that Intel sought exemption from, (2) the specific information it sought to
20 disclose by page and line number, and (3) how Intel intended to use this information. Intel refused
21 to provide that information. A true and correct copy of this email exchange is attached as Exhibit
22 B.

23 Executed on January 26, 2021, at Los Angeles, California.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct.

26
27 /s/ Michael D. Harbour
28 Michael D. Harbour